

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JASON V. FELT, OMAIRA FELT, )  
as Individuals and OMAIRA FELT as Mother )  
and Next Friend of CHRISTIAN HERRERA, )  
a Minor Child, )  
Plaintiffs, )  
v. ) CASE NO. 07-CV-461-CVE-PJC  
CAVALRY PORTFOLIO SERVICES, LLC., )  
a foreign corporation, ) JURY TRIAL DEMANDED  
Defendant. ) ATTORNEYS LIEN CLAIMED  
FOR THE FIRM

AMENDED COMPLAINT

Come now the Plaintiffs, Jason V. Felt, Omaira Felt as Individuals and Omaira Felt as Mother and Next Friend of Christian Herrera, a Minor Child, by and through their attorney of record, David R. Blades of Armstrong & Lowe, P.C., and for their cause of action show the Court as follows:

JURISDICTION

This Court has jurisdiction as a result of a federal question pursuant to 28 U.S.C. § 1331, namely a violation of 28 U.S.C. § 1161, *et seq.*

STATEMENT OF THE CASE

1. At all relevant times, the Plaintiffs were residents of Tulsa County and Jason Felt was an employee by the Defendant, Cavalry Portfolio Services, LLC as covered individual under the Defendant's health care policy.
2. That at all relevant times, Omaira Felt and Christian Herrera were dependents of Jason Felt and covered individuals under the plan.
3. At all relevant times, the Defendant was an entity doing business in Tulsa County

EXHIBIT

A

providing debt collection services.

4. That the Plaintiff, Jason Felt, began working for the Defendant on or about January 23, 2006, as a collector.

5. The Plaintiff was terminated on March 9, 2007.

6. All the Plaintiffs were covered individuals subject to the protections of COBRA as set forth in 29 U.S.C. § 1161.

**COUNT I**  
**FAILURE TO PROVIDE COBRA ELECTION NOTICES**  
**IN VIOLATION OF 29 U.S.C. § 1161, *et seq***

7. Plaintiffs incorporate paragraphs 1-6 above as if fully set herein and further alleges as follows:

8. Defendants failed to provide Plaintiffs with their COBRA election notice in violation of 29 U.S.C. § 1161, *et seq.* within the time frame established by COBRA.

9. Defendant's failure to abide by the express statutorily imposed duty to notify Plaintiffs of their rights under COBRA gives rise to the penalty provisions codified in Section 502(c)(1) of ERISA for their failure to provide the requisite COBRA election notices.

10. Defendant is also liable for compensatory damages to compensate Plaintiffs for the prejudice and harm they endured as a result of the Defendant's failure to provide COBRA notice in a timely manner.

**WHEREFORE** the Plaintiffs pray for judgment against the Defendant for damages as allowed in 29 U.S.C. § 1161; for compensatory damages; actual damages; punitive damages; and the costs of the action, including a reasonable attorney's fee and other relief the Court deems just and equitable.

Respectfully submitted,

/s/ David R. Blades, OBA #15187

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of November, 2007, I electronically submitted the attached document to the clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Jo Ann Deaton  
Rhodes, Hieronymus, Jones,  
Tucker & Gable, PLLC  
P.O. Box 21100  
Tulsa, OK 74121

/s/ David R. Blades